

**REMARKS**

**I.      Status Of The Claims**

Claims 1-28 are pending in this Application.

Claims 1-12, 15-22, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Brachman (U.S. Patent No. 6,704,576).

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brachman in view of Stanforth (U.S. Pub. No. 2002/0058502).

Claims 23, 24, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brachman in view of Khan (U.S. Pub. No. 2002/0143951).

Claims 1-12 are independent.

**II.     Rejection Under 35 U.S.C. 102**

The Office Action rejects independent claims 1-12 under 35 U.S.C. 102(e) as being anticipated by Brachman. However, Applicants respectfully submit that Brachman fails, for example, to disclose, teach, or suggest:

“... wherein the change in the cellular distribution of the reception group comprises a change in one or more cells with which one or more members of the reception group have a relationship”

as set forth in each of claims 1, 5, 7, and 11 (emphasis added).

The Office Action argues that such is disclosed among Fig. 2 and column 5 line 58 - column 6 line 19 of Brachman, the Office Action contending that “a new user joins the reception group, and therefore must join a cell.”

However, even if such contention is taken to be true for the sake of argument,

Applicants believe it clear that such is not at all disclosure, teaching, or suggestion, for example, of “a change in one or more cells with which one or more members of the reception group have a relationship” as set forth in each of claims 1, 5, 7, and 11 (emphasis added).

Applicants respectfully observe, for instance, that mere discussion of the “new user” of Brachman initially joining a cell is not at all disclosure, teaching, or suggestion that the cell with which the “new user” of Brachman has a relationship changes.

As another example, Applicants respectfully submit that Brachman fails to disclose, teach, or suggest:

“... upon a change in the composition of the reception group, deciding whether a subset of said reception group should receive said service via a unicast link or via a multicast link ...”

as set forth in each of claims 2, 6, 8, and 12 (emphasis added).

The Office Action contends that such is disclosed among column 5 line 66 - column 6 line 2 of Brachman. However, Applicants respectfully observe that this portion of Brachman merely discusses converting provision for all users from “unicast” to “multicast”:

“[i]t should be noted that if there was only one pre-existing user, the pre-existing unicast is converted to a multicast via router 127 at the control of central controller 125” (see Brachman col. 5 ln. 66 - col. 6 ln 2; emphasis added).

Brachman fails, for instance, to disclose, teach, or suggest “deciding whether a subset of said reception group should receive said service via a unicast link or via a multicast link” as set forth in each of claims 2, 6, 8, and 12 (emphasis added).

As yet another example, Applicants respectfully submit that Brachman fails to disclose, teach, or suggest:

“... selecting from among available cellular distributions for said reception group, wherein the available cellular distributions comprise one or more different possibilities for

establishing relationships between one or more members of the reception group and one or more cells ...”

as set forth in each of claims 3, 4, 9, and 10 (emphasis added).

The Office Action argues that such is disclosed among column 5 line 58 - column 6 line 19 of Brachman, the Office Action contending that “Brachman discloses the selecting and deciding are performed upon a change in the physical location of a member of said group.”

However, even if such contention is taken to be true for the sake of argument, Applicants believe it clear that “selecting and deciding [being] performed upon a change in the physical location of a member of said group” (emphasis added) is not at all disclosure, teaching, or suggestion of “selecting from among available cellular distributions” as set forth in each of claims 3, 4, 9, and 10 (emphasis added).

In view of at least the foregoing, Applicants respectfully submit that claims 1-12, as well as those claims that depend therefrom, are in condition for allowance.

### **III.           Dependent Claims**

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate

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**IV.**        Conclusion

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

**V.**        Authorization

The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4057.

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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By:



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